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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/340,739	06/28/1999	KIYONOBU KOJIMA	450100-4940	4288

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EXAMINER

WISDAHL, ERIC D

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/340,739

Applicant(s)

KOJIMA ET AL.

Examiner

Eric D Wisdahl

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2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isashi (U.S. Patent 5, 898, 600) in view of Applicants admitted prior art. Regarding Claim 1, Isashi discloses an Information Processing Apparatus capable of selecting and operating any of a plurality of application programs (Column 30 lines 59 – 62), the information processing apparatus including an image pickup means (Column 30 lines 27 – 36), a detecting means for detecting user input (inherent Column 30 lines 63 – 66) and a control means for controlling an application program activated when the detecting means detects operations (Column 30 lines 63 – 66 and Column 31 lines 1 – 23). Isashi does not specifically disclose the Information Processing Apparatus as having a GUI adopting windows. According to Applicant's admitted prior art, such operating systems (i.e. Windows 95) are typical for use in a notebook or sub-notebook size personal computer to simplify operation of the computer. Therefore, it would have been obvious for one of ordinary skill in the art to include the GUI adopting windows within the information processing apparatus in order to simplify the operation of the device.

Regarding Claim 2, Isashi discloses a control means that upon detecting a first operation activates a window for an application program for picking up an image and upon detecting a

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second operation causes image pickup means to pick up said image (Column 30 lines 63 – 66, Column 31 lines 14 – 23 and Column 16 lines 31 – 65).

Regarding Claim 4, see examiners notes Claim 1.

Regarding Claim 5, see examiners notes Claim 2.

Regarding Claim 7, see examiners notes Claim 1. Isashi does not disclose the storage medium for storing a program in a manner readable by an information processing apparatus. The storage medium is inherent in a system with a processor, in that a memory is needed to contain a program that controls the processor. Isashi discloses a system with a processor in Column 15 lines 17 – 26. It is noted that the CPU drives the components of the camera and facilitates the computations necessary to produce the images.

Regarding Claim 8, see examiners notes Claim 2.

Claims 3, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isashi (U.S. Patent 5, 898, 600) in view of Applicants admitted prior art in further view of Mitsuhashi et al. (U.S. Patent 6, 184, 930). Regarding Claim 3, Isashi does not disclose the first operation as a half-push operation nor the second operation as a full-push operation. Mitsuhashi uses a half-push and full-push operation of a shutter button in order to review an image with the half-push operation, decide whether the image is desirable and keep the image with the full-push operation (Column 2 lines 33 – 43). Such an arrangement is desirable in obtaining only images that the user desires. Therefore, it would have been obvious to one of ordinary skill in the art to include such a half-push and full-push detection so as to enable the user to obtain more desirable images.

Regarding Claim 6, see examiners notes Claim 3.

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Regarding Claim 9, see examiners notes Claim 3.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukumitsu et al. U.S. Patent 6, 141, 052.

Griencewic U.S. Patent 5, 801, 919.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Wisdahl whose telephone number is (703) 305-4915. The examiner can normally be reached on 9:00 - 6:00 Mon-Thur every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5399 for regular communications and (703) 308-5399 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center 2600 customer service office which can be reached at telephone number (703) 306-0377.

edw  
January 27, 2003



ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600